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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,343	01/20/2006	Mark A. Watt	1041-01-PCT-PA	2091

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KLEIN, O'NEILL & SINGH, LLP  
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EXAMINER
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NGUYEN, PHU K

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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03/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/565,343	Applicant(s) WATT, MARK A.	
	Examiner Phu K. Nguyen	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*Phu K. Nguyen*

**PHU K. NGUYEN  
PRIMARY EXAMINER  
GROUP 2300**

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

RESPONSE TO APPLICANT'S ARGUMENTS:

Applicant's arguments filed December 6, 2007 have been fully considered but they are not deemed to be persuasive.

Applicant argues that Farmer does not teach "prop-centric" animations; in other words, Farmer does not teach a prop which has associated with it "information defining one or more animations which may be performed by the avatar where said avatar interacts with the prop." However, in Farmer's portable virtual objects (or props) such as tokens 110 (column 35, line 66 to column 36, line 6), container (column 40, lines 31-33), ATM 320 (column 45, lines 38-40, table 61), ..., the animations are also defined based on the virtual objects such as animations for tokens put in pocket (table 35, column 37), animation for performing/notifying token put in containers (tables 40, 41), depositing money to ATM (column 45, lines 42-48), ... Therefore, Farmer's virtual objects or props also have defined animations attached to them.

Applicant also argues that Farmer does not teach "when the prop is dynamically attached to another object, the information defining the animation(s) to be performed by one or more avatars during the interaction with the prop, remain associated with the prop." Farmer's tokens 110 (the claimed props) is dynamically attached to the container (another prop) (column 40, lines 31-33), and the animation defining the performing/notifying token put in the container still remains associated with the container (column 42, lines 37-47); in another example, Farmer's ATM 320 (figures 3A and 9A) is dynamically attached to the deposit token, and all the defined animations attached to the ATM (withdraw, deposit, ...) still remains associated with the ATM. Therefore, Farmer's prop (e.g., container) also has the claimed characteristic, which is "when the prop is dynamically attached to another object, the information defining the animation(s) to be performed by one or more avatars during the interaction with the prop, remain associated with the prop."

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by FARMER et al. (6,476,830).

As per claim 1, Farmer teaches the claimed “apparatus for controlling an interactive virtual environment,” the apparatus comprising “a unit which defines a virtual environment populated by objects, the objects comprising avatars and props, wherein objects within the virtual environment may be dynamically attached to and detached from other objects” (Farmer, avatar and ATM for withdrawing tokens; figure 9E), characterized in that “one or more of the props has associated with it information defining one or more animations which may be performed by an avatar when said avatar interacts with the prop, the avatar being operable to query the prop for the information defining the animation that the avatar is to perform when the avatar interacts with the prop” (Farmer, column 47, lines 1-52), and wherein “when the prop is dynamically attached to another object, the information defining the animation(s) to be performed by one or more of the avatars during an interaction with the prop, remains associated with the prop” (Farmer, figure 9E, withdraw and deposit tokens).

Claim 2 adds into claim 1 “when an object is attached to another object, it inherits the movement of the object to which it is attached” (Farmer, token attached to the avatar; column 36, lines 1-67).

claim 3 adds into claim 1 "a unit which stores an animation sequence for subsequent replay or editing" (Farmer, column 40, lines 20-60).

Claim 4 adds into claim 1 "an apparatus for playing a computer game" (Farmer, figure 2, online server).

Claim 5 adds into claim 3 "allowing a unit which allows a user to control the virtual environment to create an animation sequence" (Farmer, online user 202; fig. 2).

Claim 6 adds into claim 1 "the animation or animations are defined as part of a state machine which is associated with the prop" (Farmer, different state machine for token classes; table 48) .

Claim 7 adds into claim 1 "a state transition which defines an initial state, a final state, and at least one of a prop animation which takes the prop from the initial state to the final state, and an avatar animation which takes the avatar from the initial state to the final state, and optionally back to the initial state" (Farmer, different state machine for token classes; table 48).

Claim 8 adds into claim 7 "a precondition is associated with one of the states" (Farmer, column 45, lines 38-48).

Claim 9 adds into claim 6 "the state machine has an idle state" (Farmer, wait for reply message from server; table 50).

Claim 10 adds into claim 1 "an animation sequence is stored as a script comprising a list of commands" (Farmer, tables of pseudo codes, example table 36).

Claim 11 adds into claim 10 "the commands are the same commands as may be entered by a user in order to control the virtual environment" (Farmer, tables of pseudo codes, example table 36).

Claim 12 adds into claim 10 "a script contains an instruction which is to be passed to an object in the virtual environment" (Farmer, Pseudo code for Tokens put into the Container; table 39).

Claim 13 adds into claim 12 "the instruction is only passed to the object once an animation which precedes it in the script has been played out" (Farmer, Pseudo code for Tokens put into the Container; table 39).

Claim 14 adds into claim 1 "an avatar comprises at least a file defining its appearance, and an animation defining its movements" (Farmer, tables 1-3; avatar forming tables).

Claim 15 adds into claim 1 "a plurality of avatars share a common animation" (Farmer, several object avatars on a screen; column 20, lines 42-50).

Claim 16 adds into claim 15 "the common animation is retargeted to fit the size of the avatar in question" (Farmer, Pseudo code for avatar to ghost, table 15).

Claim 17 adds into claim 1 "a prop includes a file which specifies a way in which the prop may contain other props" (Farmer, the ATM contains the tokens; figure 9E).

Claims 18-23 claim a method and a computer program to carry out the functions of claims 1-17; there fore, they are rejected under the same reason.

As per claim 24, Farmer teaches the claimed "Apparatus for controlling an interactive virtual environment," the apparatus comprising "means for defining a virtual environment populated by objects, the objects comprising avatars and props, wherein objects within the virtual environment may be dynamically attached to and detached from other objects" (Farmer, avatar and ATM for withdrawing tokens; figure 9E), characterized in that "one or more of the props has associated with it information defining one or more animations which may be performed by an avatar when said avatar interacts with the prop, the avatar being operable to query the prop for the information defining the animation that the avatar is to perform when the avatar interacts with the prop" (Farmer, column 47, lines 1-52), and wherein "when the prop is dynamically attached to another object, the information defining the animation(s) to be performed by one or more of the avatars during an interaction with the prop, remains associated with the prop" (Farmer, figure 9E, withdraw and deposit tokens).

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claims 20 and 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed computer program is neither a process nor device defined in the four (4) categories in 35 USC 101; therefore, they are rejected as non-statutory subject matter. To overcome this rejection, these claims can be amended to "a computer storage medium for storing a computer program ..."

Due to the repeating of the rejections of claims 1-24 under 35 USC 102(b), this action is made FINAL. However, any amendment on claims 20 and 22 will be allowed to enter to correct the 35 USC 101 problem.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.



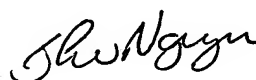
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272 7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phu K. Nguyen  
February 28, 2008

  
**PHU K. NGUYEN**  
**PRIMARY EXAMINER**  
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